

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:)	Chapter 11
)	
Circuit City Stores, Inc., <u>et al.</u> ,)	Case No. 08-35653
)	
Debtors.)	(Jointly Administered)
)	
NINA WINSTON, Administrator of the Estate of DAVID WINSTON, deceased,)	
)	
Movant,)	
)	
v.)	
)	
CIRCUIT CITY STORES, INC., et al.,)	
)	
Respondents.)	

CONSENT ORDER MODIFYING THE AUTOMATIC STAY

This matter came before the Court upon the Motion for Relief From Automatic Stay (the "Motion") filed on behalf of Nina Winston, Administrator of the Estate of David Winston, Deceased, by Christopher L. Perkins. After review of the Motion and statements therein, the Court finds that (i) adequate notice of the Motion has been provided; (ii) jurisdiction and venue are proper; (iii) this is a core proceeding; and (iv) good cause, as set forth in the Motion, exists to grant the relief requested, and with the parties having reached a consensual agreement with respect to the Motion, For good cause shown, it is therefore ORDERED, ADJUDGED AND DECREED THAT:

1. The automatic stay provided in 11 U.S.C. § 362 is hereby modified for the limited purpose of permitting Nina Winston, Administrator of the Estate of David Winston, Deceased (the "Plaintiff"), to proceed with her claims against Debtors and other defendants

in Civil Action No. 1:07-CV-01087-REB-CBS pending the United States District Court for the District of Colorado (the “Lawsuit”) with her recovery, if any, from the Debtors solely limited to the proceeds of any insurance coverage available to the Debtors.

2. Except for proceeding against the Debtors for the proceeds of any insurance coverage available to the Debtors in the Lawsuit, the Plaintiff shall not seek to execute upon or attach any property of the bankruptcy estate without further of this Court.

3. The automatic stay provided in 11 U.S.C. § 362 shall remain in full force and effect except as specifically provided herein.

4. The ten (10) day stay provided for by Federal Rule of Bankruptcy Procedure 4001(a)(3) is hereby waived.

ENTERED:
Jul 7 2009

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: 7/8/09

WE ASK FOR THIS:

/s/ Christopher L. Perkins

Christopher L. Perkins (Va. Bar No. 41783)

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Counsel for Debtors and Debtors in Possession

LOCAL RULE 9022-1 CERTIFICATION

I HEREBY CERTIFY that the foregoing has been either endorsed by or served upon all necessary parties.

/s/ Christopher L. Perkins
Christopher L. Perkins

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CERTIFICATE OF NOTICE

District/off: 0422-7
Case: 08-35653

User: jafarbayj
Form ID: pdforder

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Total Noticed: 1

Date Rcvd: Jul 08, 2009

The following entities were noticed by first class mail on Jul 10, 2009.
atty +Gregg M. Galardi, Skadden Arps Slate Meagher, & Flom LLP, One Rodney Sq., PO Box 636,
Wilmington, DE 19899-0636

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****
NONE.

TOTAL: 0

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USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 10, 2009

Signature:

